



CITY OF MIAMI GARDENS

LIMITED ENGLISH PROFICIENCY PLAN (LEP)

The mission of the City of Miami Gardens is to develop a continuing long term transportation plan. The plan will support the economic development of the community that preserves the neighborhoods, protects the environment, and enhances the community's quality of life.

As a recipient of Federal Funds, the City of Miami Gardens must take reasonable steps to ensure meaningful access to the information and services/programs to LEP persons. There are four factors to considered in determining reasonable steps: 1) The number and proportion of LEP persons in the eligible service population, 2)The frequency with which LEP persons come in contact with the program or activity, 3) The importance of the service provided by the program and 4)The resources available to the recipient.

The following is an assessment of the need in the City of Miami Gardens in relation to the four factors and the transportation projects:

1. The number and proportion of LEP persons in the eligible service population:

The City of Miami Gardens has determined that the language(s) other than English that is/are most likely to be encountered is Spanish and Creole. According to data from the U.S. Census Bureau, 79.39% of households in the City of Miami Gardens speak only English within the household. The language most commonly spoken at home by City of Miami Gardens citizens who are Limited English Proficient (LEP) is Spanish and Creole. According to the U.S. Census Bureau, approximately 3.1% of citizens speak a language other than English (Spanish or Creole) at home.

TABLE 1 – CITY OF MIAMI GARDENS, FLORIDA

Demographics	Percentage
African American	79.39%
Hispanic	16.30%
Anglo	4%

The City of Miami Gardens will monitor on an annual basis the LEP population of those served or those who could be served. If it is determined that other LEP language groups are seeking benefits/services or are potentially eligible to receive benefits/services, the City of Miami Gardens will adjust its methods and services to serve the new population accordingly. Any new LEP will be reflected in an updated version of the LEP plan.

2. The frequency with which LEP individuals come in contact with the program or activity:

It is anticipated that approximately 225 residents will come into contact with the transportation project consisting of milling and resurfacing, new stripping, new sidewalks/ADA ramps, and repairs of existing damaged sidewalks/ADA ramps on Federal Highway Administration (FHWA) roads. The information will be disseminated in written form to the residents impacted by the project. The written correspondence will be in English, but will include translation in Creole and Spanish of whom to contact for assistance. In addition, the City's website is being upgraded with the option to be displayed in English, Spanish, and Creole. Once the upgrades are completed, the

American Recovery and Reinvestment Act (ARRA) information will be displayed on the website in all three languages.

3. The importance of the service provided by the program:

It will be important to communicate to Limited English Proficiency (LEP) resident relevant information related to the American Recovery and Reinvestment Act (ARRA) funded transportation projects. The intent is to minimize the impact of construction to the residents of the areas. The correspondence will also inform the residents of the benefits of the project to the community, funding source, duration of the project and the City of Miami Gardens contact information.

4. The resources available to the recipient and the overall City of Miami Gardens cost:

The City of Miami Gardens, at no cost to the LEP persons, provides interpreter services to answer any questions to all LEP residents affected by the project. The interpreter services will be provided by a bi-lingual staff member. Clients indicating they speak either Spanish or Creole will be directed to the appropriate staff by the receptionist. The City of Miami Gardens will address walk-ins who have LEP in the same manner. The City of Miami Gardens does not require, suggest or encourage LEP residents to use friends, family members or minor children as interpreters. If a LEP resident insist that a friend, or family member serve as the interpreter, that choice is documented.

The written correspondence will be in English, but will include translation in Creole and Spanish of whom to contact for assistance. The City is also in the process of upgrading the City's website with all information to be displayed in English, Spanish, and Creole. Once it is completed the ARRA information will be displayed on the website in all three languages.

MEETING THE REQUIREMENTS

The City of Miami Gardens is committed to providing quality services to all citizens, including the LEP population we serve. All language access activities detailed below will be coordinated in collaboration with the City of Miami Gardens.

The City of Miami Gardens will:

- Identify a responsible staff member who will be responsible for maintaining an accurate and current list showing the name, language, phone number and hours of availability of bilingual staff.
- Contact the appropriate bilingual staff member to interpret, in the event that an interpreter is needed.
- Create a list of inside and outside sources that can provide competent oral and written translation services.
- Provide written materials, if needed, as well as written notice of availability of translation, free of charge, for LEP individuals.
- Analyze the of cost of these services, if any
- Identify potential budget and personnel limitations pertaining to these services

- Identify when an interpreter is needed, either in person or on the telephone, and determine which language is required.
- Upgrade the City's website to display option of all three languages.

Monitoring and Updating the LEP Plan

The plan is designed to be flexible and is one that can be easily updated. At a minimum, the City of Miami Gardens will update the LEP Plan on an annual basis. Each update should examine all plan components, such as:

- How many LEP persons were encountered?
- Where their needs met?
- What is the estimated current LEP population in the City of Miami Gardens based on the Demographic Census?
- Has there been a change in the types of languages where translation services are needed?
- Have the City of Miami Gardens available resources, such as technology, staff and financial costs changed?
- Has the City of Miami Gardens fulfilled the goals of the LEP Plan?
- Were any complaints received?

Dissemination of the City of Miami Gardens LEP Plan

The City of Miami Gardens will post the LEP Plan on its website [www. miamigardens-fl.gov](http://www.miamigardens-fl.gov).

Any person, including social service, nonprofit and other community partners with internet access will be able to access the plan. For those without personal computers copies of the LEP Plan will be available in the Human Resources Department located at 1515 NW 167th Street, Suite 200 Miami Gardens, FL 33169.



CITY OF MIAMI GARDENS

TITLE VI AND NONDISCRIMINATION POLICY AND PLAN

The City of Miami Gardens grants all citizens equal access to all its programs and services. It is further the intent of the City of Miami Gardens that all citizens be aware of their rights to success access. This document serves to make citizens aware of their rights to such access, and serves to educate citizens so that they may understand the civil rights laws that protect their receipt and benefit of such services as defined by Title VI of the Civil Rights Act of 1964. The City will not exclude participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion or family status.

Limited English Proficiency (LEP) Guidance

In adherence with Federal regulations, the City of Miami Gardens will make reasonable efforts to ensure its programs, services and activities are meaningfully accessible to those who do not speak English proficiently. The City of Miami Gardens will utilize its bilingual employees, language services to provide oral interpretation and translation of program documents, as required. To determine if or when alternate language usage is required for meaningful access, the City of Miami Gardens will assess the program, service or activity using the following four factors.

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by City of Miami Gardens' programs, services or activities.
 2. The frequency with which LEP individuals come in contact with these programs, services or activities.
 3. The nature and importance of the program, service, or activity to people's lives and;
 4. The resources available to the City of Miami Gardens and costs.
- Persons requiring special language services should contact the City of Miami Gardens, Title VI Officer:

Yamilee Dubois
1515 NW 167th Street, Suite 200
Miami Gardens, FL 33169
Office: 305-622-8030
Fax: 305-622-8265
Email: ydubois@miamigardens-fl.gov.

Complaint Process and Investigation Procedures

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 for alleged discrimination in any program or activity administered by the City of Miami Gardens.

These procedures do not deny the right of the complainant to file formal complaints with other State or Federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal

mediation meeting(s) between the affected parties and the City of Miami Gardens may be utilized for resolution. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited under Title VI and related statutes may file a complaint.

1. A formal complaint must be filed within 180 days of the alleged occurrence. Complaints shall be in writing and signed by the individual or his/her representative, and will include the complainant's name, address and telephone number; name of alleged discriminating official, basis of complaint (race, color, national origin), and the date of alleged act(s). A statement detailing the facts and circumstances of the alleged discrimination must accompany all complaints. A City of Miami Gardens' Title VI complaint form can be found at the end of this document. The City of Miami Gardens encourages individuals to submit Title VI complaints in writing using this form and mailing or faxing it to Title VI Coordinator:

Yamilee Dubois
City of Miami Gardens
1515 NW 167th Street, Suite 200
Miami Gardens, FL 33169
Office: 305-622-8030
Fax: 305-622-8265
Email: ydubois@miamigardens-fl.gov

2. In the case where a complainant is unable or incapable of providing a written statement, a verbal complaint of discrimination may be made to the City of Miami Gardens' Title VI Coordinator. Under these circumstances, the complainant will be interviewed, and the City of Miami Gardens' Title VI Coordinator will assist the Complainant in converting the verbal allegations to writing.
3. When a complaint is received, the Title VI Coordinator will provide written acknowledgment to the Complainant, within ten (10) days by registered mail.
4. If a complaint is deemed incomplete, additional information will be requested, and the Complainant will be provided 60 business days to submit the required information. Failure to do so may be considered good cause for a determination of no investigative merit.
5. Within 15 business days from receipt of a complete complaint, the City of Miami Gardens will determine its jurisdiction in pursuing the matter and whether the complaint has sufficient merit to warrant investigation. Within five (5) days of this decision, the Title VI Coordinator will notify the Complainant by registered mail, informing them of the disposition.
 - a. If the decision is not to investigate the complaint, the notification shall specifically state the reason for the decision.
 - b. If the complaint is to be investigated, the notification shall state the grounds of the City of Miami Gardens' jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. When the City of Miami Gardens does not have sufficient jurisdiction, the Title VI Coordinator will refer the complaint to the appropriate State or Federal agency holding such jurisdiction.

7. If the complaint has investigative merit, the Human Resources Director or his/her authorized designee will instruct the Title VI Coordinator to fully investigate the complaint. A complete investigation will be conducted, and an investigative report will be submitted to the Human Resources Director within 60 days from receipt of the complaint. The report will include a narrative description of the incident, summaries of all persons interviewed, and a finding with recommendations and conciliatory measures where appropriate. If the investigation is delayed for any reason, the Title VI Coordinator will notify the appropriate authorities, and an extension will be requested.
8. The Human Resources Director or his/her authorized designee will issue letters of finding to the Complainant within 90 days from receipt of the complaint, unless an extension has been granted.
9. If the Complainant is dissatisfied with the City of Miami Gardens resolution of the complaint, he/she has the right to file the complaint with the:

U.S. Department of Transportation
200 West Adams Street, Suite 320
Chicago, IL 60606

Federal Transit Administration
200 West Adams Street, Suite 320
Chicago, IL 60606

Title VI Information Dissemination

Title VI information posters shall be prominently and publicly displayed in the City of Miami Gardens facilities. The name of the Title VI Coordinator is available on the City of Miami Gardens website, at www.miamigardens-fl.gov. Additional information relating to nondiscrimination obligation can be obtained from the City of Miami Gardens Title VI Coordinator.

All City of Miami Gardens employees are provided a copy of the Policy and Procedure manual which outlines the provisions of Title VI and expectations to perform their duties accordingly. All employees are required to sign the Acknowledgement of Receipt.

Subcontracts and Vendors

All subcontracts and vendors who receive payments from the City of Miami Gardens where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 amended. Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

Record Keeping

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of the City of Miami Gardens Policy and Procedure Manual, copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

ADA/504 Statement:

The City of Miami Gardens makes great effort to ensure that its facilities, programs, services, and activities are available to those with disabilities. The City encourages its residents to report any facility, program, service or activity that appears inaccessible to the disabled. Furthermore, the City of Miami

Gardens will provide reasonable accommodation to disabled individuals who wish to participate in public involvement or other events, with advance notification of seven (7) days.

Questions, concerns, comments or requests for accommodation should be made to the City of Miami Gardens' ADA Officer:

Kathy Stakermann
1515 NW 167th Street, Suite 200
Miami Gardens, FL 33169
Office: 305-622-8030
Fax: 305-622-8265
Email: kstakermann@miamigardens-fl.gov



TITLE VI COMPLAINT FORM

The City of Miami Gardens is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. Title VI complaints must be filed within 180 days from the date of the alleged discrimination.

If you wish to submit a Title VI complaint to the City of Miami Gardens, please fill out the form below and send it to: City of Miami Gardens, Attn: Title VI Coordinator, 1515 NW 167th Street Suite 200, Miami Gardens, FL 33169. You can also fax the form to 305-622-8265 Attn: Title VI Coordinator. For a full copy of the City of Miami Gardens Title VI procedures please visit our website www.miamigardens.fl-gov.

Name (Complainant):	
Phone:	Home Address: (street #, city, state, zip code):
If applicable, the name of the person(s) who you believe discriminated against you.	Date of incident:
Discrimination based on (please check all that apply): <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> National Origin <input type="checkbox"/> Sex <input type="checkbox"/> Religion <input type="checkbox"/> Age <input type="checkbox"/> Disability	
Briefly explain what happened and how you feel you were discriminated against. Please include how you feel that others were treated differently than you.	

Is there any other information that you feel may be relevant to this investigation?

How can these issues be resolved to your satisfaction?

Please list any person(s) who we can contact for additional information or to support/clarify your complaint:

Name:

Address:

Phone Number:

Have you filed this complaint with any other federal, state, or local agency, or with any federal or state court?

☐ **Yes**

☐ **No**

If yes, check all that apply:

☐ **Federal Agency**

☐ **Federal Court**

☐ **State Court**

☐ **State Agency**

☐ **Local Agency**

If filed at an agency and/or court, please provide information on a contact person at that agency/court:

Agency/Court Contact's Name: Address: Phone Number:

Signature (Complainant):

Date of Filing:



CITY OF MIAMI GARDENS LIMITED ENGLISH PROFICIENT (LEP) POLICY STATEMENT

The City of Miami Gardens is committed to providing equal opportunity to all programs and services to ensure full compliance with all civil rights laws, including Title VI of the 1964 Civil Rights Act which requires non-discrimination on the basis of race, color or national origin. Equal opportunity includes physical and program access for persons with disabilities and program access for persons with Limited English Proficiency (LEP).

This policy is based on Department of Transportation suggested four analysis which examines the number of limited English proficiency persons serviced, the frequency with which those persons come into contact with services, the nature and importance of services provided and the costs to the City of Miami Gardens.

This policy is intended to ensure the City of Miami Gardens' compliance with Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," and was drafted upon consideration of the services offered, the community served, the resources of the City of Miami Gardens, and the cost of various language service options. It is the policy of the City to provide language access services to populations of persons with Limited English Proficiency (LEP) who are eligible to be served or likely to be directly affected by our programs. Such services will be focused on providing meaningful access to our programs, services and/or benefits.

The City of Miami Gardens shall provide at no cost a qualified interpreter. Interpretation will be provided by a bilingual staff employee in Spanish and Creole. If a staff employee is unavailable or there is none for a particular language, arrangements shall be made with a contractual provider of services, volunteer interpreter or through the language access line contractor. Persons with LEP will not be required to rely on their minor children, other relatives or friends as interpreters.

The City will provide written translation, as it deems necessary, in Spanish and Creole for documents used in the program. Forms will be translated as needed. The City's website is being upgraded to provide information in both Spanish and Creole for those persons with Limited English Proficiency (LEP).

To ensure that staff understands the LEP policy, training will be provided by designated staff. The City will be responsible for monitoring compliance on an annual basis. Monitoring will be completed through yearly compliance reviews and through investigation of discrimination complaints.

Equal Opportunity and Discrimination Complaint policies are posted in each local office. Complaints of discrimination will be handled as outlined by the current Discrimination Complaint Procedure.



CITY OF MIAMI GARDENS

TITLE VI/NONDISCRIMINATION POLICY STATEMENT

The City of Miami Gardens (hereinafter referred to as the Recipient) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), assures that no person shall on the basis of race, color, national origin, sex, age, disability, family or religious status, as provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), the Civil Rights Restoration Act of 1987 and the Florida Civil Rights Act of 1992 be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity.

The City of Miami Gardens further agrees to the following responsibilities with respect to its programs and activities:

1. Designate a Title VI Officer that has a responsible position within the organization.
2. Issue a policy statement which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout to City employees and to the general public. Such information shall be published where appropriate in languages other than English.
3. Insert the clauses of *Appendix A* of this agreement in every contract subject to the Acts and Regulations.
4. Develop a complaint process and attempt to resolve complaints of discrimination against any individual, group of individuals or entity. Complaints against the City of Miami Gardens shall immediately be forwarded to the FDOT District Title VI Coordinator.
5. Participate in training offered on Title VI and other nondiscrimination requirements.
6. If reviewed by FDOT or USDOT, take affirmative action to correct any deficiencies found within a reasonable time period, not to exceed ninety (90) calendar days.
7. Have a process to collect racial and ethnic data on persons impacted by the City's programs.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

DATED

10/14/09

by


City Manager
City of Miami Gardens



APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

1. **Compliance with Regulations.** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (hereinafter, "USDOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination.** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin, sex, age, disability, religion or family status in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the basis of race, color, or national origin, sex, age, disability, religion or family status.
4. **Information and Reports.** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the *Florida Department of Transportation*, the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, and/or the *Federal Motor Carrier Safety Administration* to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the *Florida Department of Transportation*, the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation Administration*, and/or the *Federal Motor Carrier Safety Administration*, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance.** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the *Florida Department of Transportation*, the *Federal Highway Administration*, *Federal Transit Administration*, *Federal Aviation*

Administration, and/or the Federal Motor Carrier Safety Administration may determine to be appropriate, including, but not limited to:

- a. withholding of payments to the Contractor under the contract until the contractor complies, and/or
- b. cancellation, termination, or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions.** The Contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued Pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the *Florida Department of Transportation, the Federal Highway Administration, Federal Transit Administration, Federal Aviation Administration, and/or the Federal Motor Carrier Safety Administration* may direct as a means of enforcing such provisions including sanctions for noncompliance. In the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the *Florida Department of Transportation* to enter into such litigation to protect the interests of the *Florida Department of Transportation* and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.